

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6309-CR-SEITZ(S)

**NIGHT BOX
FILED**

NOV 07 2002

**CLARENCE MADDOX
CLERK, USDC / SDPL / MIA**

UNITED STATES OF AMERICA,
Plaintiff,

v.

JOSEPH SPITALERI,
Defendant.

**GOVERNMENT'S MOTION TO REDUCE THE PREVIOUSLY
IMPOSED SENTENCE OF INCARCERATION PURSUANT TO
RULE 35(b), FEDERAL RULES OF CRIMINAL PROCEDURE**

The United States of America, by the undersigned Assistant United States Attorneys, files this motion to reduce the previously imposed sentence of incarceration, pursuant to Rule 35(b), Federal Rules of Criminal Procedure. In support thereof, the government states the following:

1. On June 4, 2001, the defendant pled guilty to Count One of the first superseding indictment, charging him with RICO Conspiracy, 18 U.S.C. 1962(d).

2. On November 13, 2001, the government filed a motion for departure from the guidelines based upon the defendant's substantial assistance, which was granted by the Court.

3. Also, on November 13, 2001, the defendant was sentenced to a period of incarceration of 58 months.

4. The defendant has continued to cooperate with the government and is expected to be called as a witness for a trial

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presently scheduled to commence on March 3, 2003. Therefore, the defendant's cooperation with the government has not yet been completed.

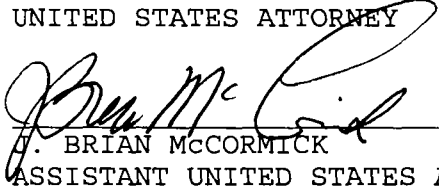
5. This motion for reduction of sentence is being filed within the one-year time period as required by Rule 35(b), Federal Rules of Criminal Procedure, in order to preserve the government's ability to present evidence regarding the defendant's substantial assistance at a future hearing, upon completion of the defendant's cooperation.

WHEREFORE, based upon the foregoing, the government respectfully files this motion for reduction of sentence.

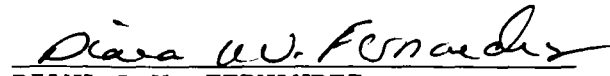
Respectfully submitted,

MARCOS DANIEL JIMENEZ
UNITED STATES ATTORNEY

By:


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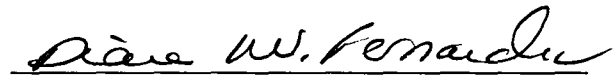
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CERTIFICATE OF SERVICE

I HEREBY certify that a true and correct copy of the foregoing
was mailed this 7th day of November, 2002, to:

Brian H. Bieber, Esquire
2600 Douglas Rd., Penthouse 1
Coral Gables, FL 33134
(Counsel for Joseph Spitaleri)


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